

FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

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2000 MAY 11 P 1:19

FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

RAD REFERRAL: 99NF-23  
DATE ACTIVATED: 3/17/00

EXPIRATION OF STATUTE OF  
LIMITATIONS: 1/31/03 (earliest)  
STAFF MEMBER: Anne Weissenborn  
Karen White

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Lincoln Club of Riverside County and Kathleen A. Daley, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii) and (iv)  
11 C.F.R. § 104.5(c)(1)(i), (ii), and (iii) and (2)(i)(B)

INTERNAL REPORTS CHECKED: Referral Materials  
Disclosure Reports

FEDERAL AGENCIES CHECKED: None

**I. GENERATION OF MATTER**

The Office of the General Counsel received a referral from the Reports Analysis Division on November 4, 1999. The basis of the referral is the failure of the Lincoln Club of Riverside County and Kathleen A. Daley, as treasurer, ("Respondents") to file timely their 1997 Year End and 1998 April Quarterly, July Quarterly, October Quarterly, 12 Day Pre-General and 30 Day-Post General Reports. The reports were filed between sixty (60) and three hundred and sixty-six (366) days late.<sup>1</sup>

<sup>1</sup> Respondents were referred for a possible 2 U.S.C. § 438(b) audit covering the 1997-98 election cycle. The Commission voted on October 19, 1999 not to audit.

## II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends that the Commission find reason to believe that Respondents violated 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii) and (iv).

## III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

In addition to recommending that the Commission find reason to believe that Respondents violated 2 U.S.C. § 434(a)(4)(A)(i),(ii),(iii) and (iv), this Office also recommends that the Commission offer to enter into conciliation with Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement. Attachment 2.



[illegible]





**IV. RECOMMENDATIONS**

1. Open a MUR.
2. Find reason to believe that the Lincoln Club of Riverside County and Kathleen A. Daley, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i), (ii), (iii) and (iv) and enter into conciliation with Respondents prior to a finding of probable cause to believe.
3. Approve the attached proposed Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble  
General Counsel

5/10/00  
Date

BY: 

Lois G. Lerner  
Associate General Counsel

**Attachments:**

1. Factual and Legal Analysis
2. Proposed Conciliation Agreement



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**MEMORANDUM**

**TO:** Office of the Commission Secretary  
**FROM:** Office of General Counsel  
**DATE:** May 11, 2000  
**SUBJECT:** 99NF-23-First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of \_\_\_\_\_

Open Session \_\_\_\_\_

Closed Session \_\_\_\_\_

**CIRCULATIONS**

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72 Hour TALLY VOTE ☒

24 Hour TALLY VOTE ☐

24 Hour NO OBJECTION ☐

INFORMATION ☐

**COMPLIANCE**

☒

Open/Closed Letters ☐  
MUR ☐  
DSP ☐

STATUS SHEETS ☐  
Enforcement ☐  
Litigation ☐  
PFESP ☐

RATING SHEETS ☐

AUDIT MATTERS ☐

LITIGATION ☐

ADVISORY OPINIONS ☐

REGULATIONS ☐

OTHER ☐